



THE PROTECTION OF THE RIGHT OF THE CHILD TO NAME IN THE LIGHT OF THE INTERNATIONAL STANDARDS AND LITHUANIAN LAW

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Purpose. A purpose of the paper is to determine international standards concerning protection of a child's name. These standards are following from international documents (e.g. UNCRC), conventions of the International Commission on Civil Status and the rich practice of such international bodies like the European Court of Human Rights and the Court of Justice of the European Union. Author of the paper analyses conformity of the Lithuanian law with the existing international legal framework, decisions of above mentioned international bodies and doctrine concerning a question of the child's name.

Design/methodology/approach. This contribution provides an outline of the scope of protection of the child's name in international documents (section 1), practice of international bodies (section 2) and conformity of Lithuanian law with these documents and practice (section 3). The main question is whether the Lithuanian law guarantees the protection of child's right to a name and parents' right to exert influence on their child's name particularly in situations with an international element.

Findings. From the perspective of the international human rights law as well as of the Lithuanian legal system, the issues concerning the right of the child to a name (both first name and surname) remain within the scope of parental responsibility and protection of the child's identity by the State. A forename and a surname are conceived as an expression of child's identity, and a fundamental right of the child. Moreover, the name is characterized as an element of the civil status of every person.

The analysis of the documents and case-law of the international bodies shows that the right of the child to a name is independent from the issue of establishing family relations (filiation). Nonetheless, the determination of the name of the child is connected with the fact of setting up legal ties with his or her parents.



The Lithuanian law generally complies with the international patterns. Civil Code of the Republic of Lithuania in certain aspects allows the parents to decide what name the child will bear. Thinking about the issue of the protection of the first name of the child, there are no doubts that it depends on the parents' will and constitutes a component of parental responsibility. Determination of the surname has more restrictions. Furthermore there are some uncertainties concerning names in situations with an international element.

Research limitations/implications. Practical implications. It is recommended to prepare a statutory regulation for the names. Moreover, to guarantee the stability of the names it would be desirable to regulate the question of recognition of names acquired abroad.

Originality/Value. An issue, which this contribution deals with, is passed over in Lithuanian doctrine. The question of the protection of the child's name in a situation with an international element is particularly important due to the increased migration of people.

Research type: research paper.

Key words: first name, surname, international standards, child, choice-of-law rules.